IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 17TH NOVEMBER 2006 / 26TH KARTHIKA 1928

WP(C).No. 30327 of 2006(I)

PETITIONER:

P.I.THAJUDHEEN,
REVATHI PLAZA, PALAKKAL, PERANDOOR ROAD,
KALOOR P.O., ERNAKULAM, KOCHI-682 017.

BY ADV. SRI.G.JANARDHANA KURUP (SR.)
SRI.JOHN K.GEORGE
SRI.A.K.MADHAVAN UNNI
SMT.S.SULOCHANA
SRI.K.S.ARUN KUMAR
SRI.E.C.BINEESH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, CIVIL SUPPLIES DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER,
CIVIL SUPPLIES, THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR,
COLLECTORATE, ERNAKULAM.

4. THE DISTRICT SUPPLY OFFICER,
ERNAKULAM.

5. THE TALUK SUPPLY OFFICER,
KANAYANNUR TALUK, ERNAKULAM.

6. JITHIN JOY,
ALAPPATTIL HOUSE, CHANGAMPUZHA NAGAR,
EDAPPALLY, ERNAKULAM-682 024.

BY ADV. SRI.K.J.KURIACHAN
G.P. SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N. RAMACHANDRAN NAIR, J.

W.P. (C) No. 30327 OF 2006 I

Dated this the 17th day of November, 2006

J U D G M E N T

Writ petition is filed challenging Ext.P3 order of suspension of the authorized wholesale ration dealer's licence on the ground that he had shifted the godown without prior approval. The main contention is that only the District Collector has the authority to suspend the licence. The case of the 6th respondent in the appeal filed by him against the grant of licence to the petitioner is that the petitioner shifted the godown only to improve his eligibility for licence. His specific case is that he had superior facilities including godown, which will give him an advantage over the petitioner. If appeal is filed against grant of licence, then the appeal has to be obviously considered with reference to the details furnished by applicants and facilities available before grant of licence and not with reference to the facilities subsequently arranged by the licensee. In any case, since this is not an issue before this court, there is no need for this court to consider this contention of the 6th respondent.

2. Government Pleader reported that petitioner's godown was inspected and on account of shortage and other irregularities noticed, his business is temporarily entrusted to another wholesale dealer. According to him, even though fresh findings justify another suspension, no other order is issued because of earlier suspension namely, Ext.P3.

In the circumstances, I dispose of this writ petition by directing the District Collector to take into account fresh findings on the inspection, continue the suspension, if there is justification to continue the same and if not, to recall the suspension. Even if suspension is continued, he is directed to complete the proceedings and to take final decision on cancellation of licence, within a period of one month from the date of production of a copy of this judgment by the petitioner. The Collector can get report from the District Supply Officer before finalising the proceedings. There will be a direction to the Collector to give an opportunity to the 6th respondent also to raise all his contentions.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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